

PROVIDING FOR CONSIDERATION OF H.R. 2871, EXPORT-  
IMPORT BANK REAUTHORIZATION ACT OF 2001

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APRIL 30, 2002.—Referred to the House Calendar and ordered to be printed

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Mrs. MYRICK, from the Committee on Rules,  
submitted the following

R E P O R T

[To accompany H. Res. 402]

The Committee on Rules, having had under consideration House Resolution 402, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for the consideration of H.R. 2871, the Export-Import Bank Reauthorization Act of 2001, under a structured rule. The rule provides one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. The rule waives all points of order against consideration of the bill.

The rule provides that the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the bill, as amended.

The rule makes in order only those amendments printed in this report. The rule provides that the amendments printed in this report shall be considered only in the order printed, may be offered only by a Member designated, shall be considered as read, shall be debatable for the time specified equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee on the Whole. The rule waives all points of order against the amendments printed in this report. The rule provides one motion to recommit with or without instructions.

The rule provides that after passage of H.R. 2871, it shall be in order to take from the Speaker's table S. 1372, consider it in the

House, and move to strike all after the enacting clause and insert the text of H.R. 2871 as passed by the House. The rule waives all points of order against consideration of the Senate bill and the motion to strike and insert.

Finally, the rule provides that if the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendment and request a conference.

The waiver of all points of order against the bill and its consideration includes a waiver of section 306 of the Congressional Budget Act (prohibiting consideration of legislation within the jurisdiction of the Committee on the Budget unless reported by the Budget Committee).

#### SUMMARY OF AMENDMENTS MADE IN ORDER UNDER THE RULE

Bereuter—Manager’s Amendment. Makes corrections to section 9 in the bill dealing with the Tied Aid War Chest. Under the changes made by the amendment, the Export-Import Bank and the Department of the Treasury will jointly set the principles, process, and standards which govern the Tied Aid War Chest. (10 minutes)

DeFazio—Prohibits Export-Import Bank assistance for any project that involves the privatization of a government-held industry or sector if that privatization: is not implemented in a transparent manner; is not implemented in a manner that adequately protects the interests of workers, small investors, and vulnerable groups in society; or if appropriate regulatory regimes have not been established to ensure properly functioning competitive markets. (30 minutes)

Kucinich—Requires Export-Import Bank to gather information relating to compliance with the Foreign Corrupt Practices Act as amended by applicants. Export-Import would request that applicants report whether or not they had been found by a U.S. court to be in violation of the Foreign Corrupt Practices Act. Export-Import would also independently monitor federal court records to determine if any applicants for Export-Import assistance had violated the Act. (30 minutes)

Sanders—Prohibits companies from receiving future Export-Import Bank assistance if they lay off a greater percentage of workers in the U.S. than they lay off in foreign countries. (30 minutes)

Schakowsky—Sense of the Congress that detailed information on the potential impact of proposed Export-Import Bank projects on human rights should be available to the management of the bank. (30 minutes)

#### TEXT OF AMENDMENTS MADE IN ORDER UNDER THE RULE

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BEREUTER OF NEBRASKA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 12, line 19, strike “PROCESS AND” and insert “PRINCIPLES, PROCESS, AND”.

Page 12, strike lines 22 through 25 and insert the following:

- (1) in paragraph (2), by striking subparagraph (A) and inserting the following:

“(A) in consultation with the Secretary and in accordance with the principles, process, and standards developed

- pursuant to paragraph (5) of this subsection and the purposes described in subsection (a)(5);” and
- Page 13, line 2, strike “PROCESS AND” and insert “PRINCIPLES, PROCESS, AND”.
- Page 13, line 4, after “Secretary” insert “and the Bank jointly”.
- Page 13, line 5, insert “principles and” before “standards”.
- Page 13, line 10, strike “PROCESS AND” and insert “PRINCIPLES, PROCESS, AND”.
- Page 13, strike line 13 and insert “PRINCIPLES AND STANDARDS.—In developing the principles and standards”.
- Page 13, line 15, after “retary” insert “and the Bank”.
- Page 13, line 17, insert “principles and” before “standards”.
- Page 13, after line 17, insert the following:
- “(I) The Tied Aid Credit Fund should be used to leverage multilateral negotiations to restrict the scope for aid-financed trade distortions through new multilateral rules, and to police existing rules.”.
- Page 13, line 18, strike “(I)” and insert “(II)”.
- Page 13, line 23, strike “(II)” and insert “(III)”.
- Page 14, line 3, strike “(III)” and insert “(IV)”.
- Page 14, line 6, insert “on commercial terms” after “opportunities”.
- Page 14, line 8, strike “(IV)” and insert “(V)”.
- Page 14, line 13, strike “(V)” and insert “(VI)”.
- Page 14, line 14, strike “will” and insert “may only”.
- Page 14, line 17, strike “(VI)” and insert “(VII)”.
- Page 14, line 18, strike “will” and insert “may”.
- Page 14, line 21, insert “principles,” before “process”.
- Page 15, line 1, strike “REPORT” and insert “PRINCIPLES, PROCESS, AND STANDARDS”.
- Page 15, line 3, after “Secretary” insert “and the Bank”.
- Page 15, line 7, strike “report on the process” and insert “copy of the principles, process,”.
- Page 15, line 10, insert “PRINCIPLES AND” before “STANDARDS”.
- Page 15, line 11, insert “principles and” before “standards”.
- Page 15, line 13, strike “report” and insert “principles, process, and standards”.
- Page 15, line 13, strike “is” and insert “are”.
- Page 15, line 15, strike “; REPORTS”.
- Page 15, line 16, after “Secretary” insert “and the bank jointly”.
- Page 15, line 17, strike “process and” and insert “principles, process, and”.
- Page 15, line 22, strike “report on the process” and insert “copy of the principles, process,”.
- Page 16, line 8, after “tiously” insert “pursuant to paragraph (2)”.
- Page 16, line 14, strike “, but shall not”.
- Page 16, line 22, strike “shall” and insert “should”.
- Page 17, line 7, after “in” insert “initiating negotiations, and if negotiations were initiated, in”.
- Page 17, line 13, strike “shall” and insert “should”.
- Page 17, line 22, after “in” insert “initiating negotiations, and if negotiations were initiated, in”.
- Page 17, line 25, strike “AND MARKET WINDOWS”.

Page 18, strike lines 2 through 6 and insert “amended in subsection (a)—”.

Page 18, line 7, strike “(B)” and insert “(A)”.

Page 18, line 9, strike “(C)” and insert “(B)”.

Page 18, line 10, strike “market windows” and insert “untied aid”.

Page 18, line 12, strike “(D)” and insert “(C)”.

Page 18, line 13, strike “as” and insert “and”.

Page 18, line 18, insert “and aid agencies” after “agencies”.

Page 18, line 21, strike “market windows and”.

Page 19, line 6, strike “market windows” and insert “untied aid”.

Page 19, beginning on line 10, strike “market window support may be part of a transaction” and insert “untied aid offers will be made”.

Page 19, line 19, strike “; and” and insert a period.

Page 19, strike lines 20 through 24.

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2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DEFazio OF OREGON, OR A DESIGNEE, DEBATABLE FOR 30 MINUTES

At the end of the bill, add the following:

**SEC. \_\_\_\_ . BAN ON ASSISTANCE FOR PROJECT INVOLVING PRIVATIZATION OF GOVERNMENT-HELD INDUSTRY OR SECTOR.**

Section 2(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)) is amended by adding at the end the following:

“(13) BAN ON ASSISTANCE FOR PROJECT INVOLVING PRIVATIZATION OF GOVERNMENT-HELD INDUSTRY OR SECTOR.—The Bank may not guarantee, insure, or extend (or participate in the extension of) credit in connection with the export of any good or service for a project that involves the privatization of a government-held industry or sector if—

“(A) the privatization transaction is not implemented in a transparent manner;

“(B) the privatization transaction is not implemented in a manner that adequately protects the interests of workers, small investors, and vulnerable groups in society to the extent that they are affected by the privatization transaction; or

“(C) appropriate regulatory regimes have not been established to ensure the proper function of competitive markets in the industry or sector.”.

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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KUCINICH OF OHIO, OR A DESIGNEE, DEBATABLE FOR 30 MINUTES

At the end of the bill, add the following:

**SEC. \_\_\_\_ . REQUIREMENT THAT APPLICANTS FOR ASSISTANCE DISCLOSE WHETHER THEY HAVE VIOLATED THE FOREIGN CORRUPT PRACTICES ACT; MAINTENANCE OF LIST OF VIOLATORS.**

Section 2(b)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)) is further amended by adding at the end the following:

“(M) The Bank shall require an applicant for assistance from the Bank to disclose whether the applicant has been found by a court of the United States to have violated the Foreign Corrupt Practices

Act, and shall maintain a list of persons so found to have violated such Act.”.

Amend the table of contents accordingly.

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4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SANDERS OF VERMONT, OR A DESIGNEE, DEBATABLE FOR 30 MINUTES

At the end of the bill, add the following:

**SEC. \_\_\_\_ . INFORMATION AND CERTIFICATIONS REQUIRED FROM COMPANIES SEEKING OR RECEIVING NEW ASSISTANCE.**

Section 2 of the Export-Import Bank Act of 1945 (12 U.S.C. 635) is further amended by adding at the end the following:

“(g)(1) As a condition of providing assistance to a company in connection with a transaction entered into on or after the date of the enactment of this subsection, the Bank shall require the company to submit to the Bank the following information on an annual basis:

“(A) The number of individuals employed by the company in the United States and its territories.

“(B) The number of individuals employed by the company outside the United States and its territories.

“(C) A description of the wages and benefits being provided to the employees of the company in the United States and its territories.

“(2)(A) Beginning 1 year after the Bank provides assistance to a company in connection with a transaction entered into on or after the date of the enactment of this subsection, the company shall, on an annual basis, provide the Bank with a written certification of—

“(i) the percentage of the workforce of the company employed in the United States or its territories that has been laid off or induced to resign from the company during the preceding year; and

“(ii) the percentage of the total workforce of the company that has been laid off or induced to resign from the company during the preceding year.

“(B)(i) If, in the certification provided by the company, the percentage described in subparagraph (A)(i) is greater than the percentage described in subparagraph (A)(ii), then the company shall be ineligible for further assistance from the Bank until the company provides to the Bank a new written certification in which, for the year covered by the new certification, the percentage described in subparagraph (A)(i) is not greater than the percentage described in subparagraph (A)(ii).

“(ii) If the company does not provide a certification required by subparagraph (A), or provides a false certification under this paragraph, then 60 days thereafter the Bank shall withdraw all assistance from the company, and the company shall thereafter be ineligible for assistance from the Bank.”.

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5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHAKOWSKY OF ILLINOIS, OR A DESIGNEE, DEBATABLE FOR 30 MINUTES

At the end of the bill, add the following:

**SEC. \_\_\_\_ . SENSE OF THE CONGRESS.**

It is the sense of the Congress that, when considering a proposal for assistance for a project that is worth \$10,000,000 or more, the management of the Export-Import Bank of the United States should have available for review a detailed assessment of the potential human rights impact of the proposed project.

